

**UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA**

Joe R. Whatley, Jr. soley in his capacity
as the WD Trustee of the WD Trust,

Plaintiff,

v.

Case No. 1:16-cv-74

Canadian Pacific Railway Company,
Soo Line Railroad Company,

Defendants.

CLERK'S MINUTES OF HEARING

The Honorable Daniel M. Traynor
Bismarck, North Dakota
Digital Recorder: 230208-000 Whatley.mp3
Proceedings: Status Conference (via telephone)

Date: February 8, 2023
Time: 1:30 pm
Recess: 1:45 pm
Clerk: Roxanne Muffenbier

Appearances:

Attorneys for Joe R. Whatley, Jr.
John Woodcock, III
Paul McDonald

Attorneys for Canadian Pacific Railway Company
and Soo Line Railroad Company
Paul Hemming
Stacey Drentlaw
Mark Rosenberg

Counsel note appearances via telephone.

No counsel present for Intervenor World Fuel Services, Corp. as it no longer has a role in the case.

Parties will file motions to withdraw or notice of substitution of counsel for those attorneys that are no longer on the case.

Final Pretrial Conference set for 2/13/23 at 1:30 PM by telephone before Magistrate Judge Clare R. Hochhalter.

Jury Trial set for 2/27/23 at 9:30 AM in Bismarck Courtroom 1 before Judge Daniel M. Traynor (4 days).

No pending motions in the case.

Parties anticipate a settlement as to the value of the crude oil and will file a Stipulation. The

application of judgment reduction provision remains, parties will brief the issue and Court will issue an order. Transportation costs may be different than judgment reduction provisions. Plaintiff will also seek pre-judgment interest.

Court orders parties to file closing documents on 2/14/23. Jury Trial will be cancelled after closing documents are filed.

Final Pretrial Conference will be postponed or cancelled.

Court in recess.